

REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested. Claims 3, 6, 7, 10 and 13 have been amended. Claim 8 has been cancelled. New claims 14-36 have been added. Claims 1-7 and 9-36 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

As required by the Office Action, a proposed drawing correction is being filed concurrently herewith in which the memory, specifically the non-volatile memory/smart card, is shown in a new Figure 5. Accordingly, the Examiner is requested to approve the proposed drawing correction and withdraw the outstanding objections to the drawings.

Claims 3 and 10 stand objected to because of informalities. Claims 3 and 10 have been amended to correct at least these informalities, and for improved readability. The foregoing claim amendments to address informalities were made by Applicants to place the present Application in better form for examination and allowance. Therefore, the foregoing amendments do not narrow the scope of the pending claims. Accordingly, withdrawal of the objection to the claims is respectfully requested.

35 U.S.C. § 112, Second Paragraph

Claims 6 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In response, the claims have been editorially amended. Accordingly, the rejection of claims 6 and 13 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

The foregoing claims amendments to address the 35 U.S.C. § 112, second paragraph rejections and additional amendments made by Applicants were made to correct formalities such as grammatical errors and to place the present Application in better form for examination and allowance. Therefore, the foregoing amendments do not narrow the scope of the pending claims.

35 U.S.C. § 102(b) – Lawler

Claims 1-4, 7 and 9-11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lawler (U.S. Patent Number 5,758,259) (hereinafter “Lawler”).

Reconsideration is respectfully requested.

Regarding claim 1, Applicants’ claimed invention relates to a user preference information data structure capable of classifying and setting user preference information regarding multimedia content with multiple items. An embodiment of Applicants’ invention is shown in Figure 3, in which the data structure can include a sub-tree of multiple items user preference information (220) as well as a sub-tree of single item user preference information (210). Multiple items user preference information can be formed by combining single items

and assigning a preference value to the combination as shown in Figure 4. A combination of single items may be associated a preference value independent of preference values associated with the individual single items. Preference values can be allocated for single items as well as for combinations of multiple items. Distinguishing features recited in claim 1 include at least multiple items user preference information for multiple items formed by combining the single items.

Applicants respectfully submit that the disclosure of Lawler does not anticipate the claimed invention. While Lawler may refer to a selective programming guide for interactive television, there is no teaching of multiple items user preference information for multiple items (e.g., a unique preference information for a combination of single items) as claimed in claim 1. As shown in Lawler's Figure 6, process block (144) determines a viewer history correlation for a program. This viewer history correlation represents the sum of the counts of each individual criterion obtained from a viewer preference database such as that shown in Table 2. The sum of the counts is solely a compilation of counts of each individual criterion, and not representative of the combination of individual criterion as an integrated group. Applicants further respectfully submit that Lawler does not teach or suggest any modification to its disclosure that would result in at least features of multiple items user preference information combinations thereof as recited in claim 1.

At least by virtue of the aforementioned differences, Applicants' claim 1 distinguishes over Lawler. Claim 7 defines patentable subject for at least reasons similar to claim 1.

Applicants' claims 2-4 and 9-11 depend from claims 1 and 7 respectively, and therefore define patentable subject matter for at least that reason as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under § 102(b) are respectfully requested.

35 U.S.C. § 103(a) – Lawler

Claims 5, 6, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Lawler. Applicants' claims {5, 6} and {12, 13} are dependent claims including all of the limitations of independent claims 1 and 7 respectively, which, as established above, each distinguishes over Lawler. At least by virtue of the aforementioned differences, as well as for their additionally recited features, claims 5, 6, 12 and 13 are patentable over Lawler. Reconsideration and withdrawal of the rejection under § 103(a) are respectfully requested.

Newly Added Claims

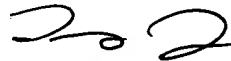
Claims 14-36 are newly added by this Amendment and believed to be in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned agent, Lenny R. Jiang, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carl R. Wesolowski
Registration No. 40,372
Lenny R. Jiang
Registration No. 52,432

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 502-9440 CRW:LRJ:tjw
Date: November 28, 2003

Please direct all correspondence to Customer Number 34610